

## REMARKS

This application is believed to be in condition for allowance because the claims are non-obvious and patentable over the cited references. The following paragraphs provide the justification for this belief. In view of the following reasoning for allowance, the Applicant hereby respectfully requests further examination and reconsideration of the subject patent application.

### **1.0 The Office Action's "Response to Arguments":**

In response to the Applicant's arguments filed March 8, 2004, the Office Action characterizes the Applicant's arguments and suggests that those arguments are not persuasive. The Office Action then cites Shear et al. ("**Shear**," U.S. Patent 6,112,181) and Hilsenrath et al. ("**Hilsenrath**," U.S. Patent 5,926,812) as fully disclosing the elements argued by the Applicant.

In particular, the Office Action first suggests that the Applicant argues that "neither reference teaches a progressive comparison of the interest wherein upon analyzing of certain matches the ***comparison is terminated and then continuing the progressive matching*** (applicant's response pages 8-13)" (emphasis added).

The Office Action then explains that "Shear provides for a comprehensive system which can provide for matching for value chains wherein match rule sets can be provided using artificial intelligence or smart agents to carry out applicant's features (column 15-20)." The Office Action then suggests that "Hilsenrath also teaches that the process of matching entries is carried out until the desired number is obtained (column 11).

Next, in response to the Applicant's discussion with respect to the failure of either **Shear** or **Hilsenrath** to teach, or in any way describe, the Applicant's claimed element relating to partial disclosure of information, the Office Action suggests that "Shear

discloses utilizing controls and rules with regards to distribution of content or matching interest in a VDE environment, wherein delivery of only portions of content from one or more sources is provided (col. 27, lines 8-9, columns 23-30)."

*However, in response to the above quoted arguments, the Applicant respectfully suggests that the Office Action has incorrectly characterized the Applicant's arguments, incorrectly characterized the Applicant's claimed invention, and incorrectly characterized the references in an attempt to provide support for the rejections advanced by the Office Action.*

#### **1.1 The Office Action's Summary of Applicant's Arguments with Respect to "Progressive Comparisons":**

For example, the Office Action summarizes pages 8-15 of the Applicant's prior argument as arguing that "***neither reference teaches a progressive comparison of the interest wherein upon analyzing of certain matches the comparison is terminated and then continuing the progressive matching***" (emphasis added). However, the Applicant does **not** terminate the progressive comparison and then continue the progressive comparison, as suggested by the Office Action. In fact, once the comparison is terminated for a particular interest, that progressive interest is simply **not** then continued.

Specifically, it should be clear from the Applicant's prior arguments that the Applicant describes and claims a ***turn-based progressive comparison*** of individual interests which involves a progressive ***partial disclosure*** of specific interests. Again, this partial disclosure is **not** a disclosure of some set or subsets of interests, but a partial disclosure of individual interests. For example, as previously explained by the Applicant, ***partially disclosing interests*** is clearly explained throughout the text of the specification, with specific examples of such partial disclosure being provided in the working example in paragraphs 65 through 82. Further, paragraphs 79-81 provide a

simple example of a turn-based partial disclosure of interests wherein rather than disclosing a complete interest, each interest is disclosed one part at a time.

For example, as disclosed in the working example of paragraphs 79-81, where an **individual interest** in a **first set of interests** is represented by the number "178", that interest is first **partially disclosed** to a **second set of interests** by first disclosing an "8." If the second set of interests does not have an interest that ends with an "8" there is no partial match, and **the progressive comparison is terminated** for that particular individual interest. The progressive comparison will **not** then continue for that interest. On the other hand, if the second set has one or more interests that end with "8" then the progressive comparison will continue, with the next number "7," being disclosed to the second set. Again, the progressive comparison will continue at this point only where the second set has one or more interests that end in "78." In this example, it should be clear that the **individual interest** is "partially disclosed" in three separate stages, rather than simply fully disclosing interest "178" in a full disclosure. If at any time during this partial disclosure, such as for example, after the disclosure of "7," there is not a match with the partially disclosed interests from the second set, then the progressive comparison is terminated for that interest.

Therefore, in contrast to the characterization advance by the Office Action, it should be clear that the Applicant is clearly **not** arguing that "***neither reference teaches a progressive comparison of the interest wherein upon analyzing of certain matches the comparison is terminated and then continuing the progressive matching***". Clearly, the Applicant is arguing that the progressive comparison is **terminated for specific interests where there is no partial match** of those specific interests, and **continued only for specific interest where there is a partial match**, as explained above.

In addition, as explained previously by the Applicant, one clear advantage of such a process is that the partial disclosure and comparison between unique entities **only** continues for particular interests as long as there is a continuing match for specific

interests. Consequently, non-matching interests will not be fully disclosed to the other unique entities. As a result of this partial disclosure process, non-matching interests are simply not shared with other unique entities. Therefore, the other unique entities will only know those interests of a particular entity that fully match interests held by those other unique entities.

## **1.2 The Office Action's Characterization of *Shear* with Respect to Applicant's Arguments:**

Further, as noted above, the Office Action next suggests that “*Shear* provides for a comprehensive system which can provide for ***matching for value chains wherein match rule sets can be provided*** using artificial intelligence or smart agents to carry out applicant's features (column 15-20)” (emphasis added). It should be noted that this argument is offered in support of the position of the Office Action that the Applicant's claimed “progressive comparison” is disclosed by the ***Shear*** reference. In fact, the only time that the term “matching for value chains” is mentioned in the ***Shear*** reference, is in col. 16, lines 1-7, as one of the “Advantageous Features and Characteristics” of the invention described by ***Shear***. The context of that cited text is provided below:

“Enables ***matching for value chains*** where ***the matching is against a plurality of co-participating value chain parties requirements*** and/or profiles against match opportunities, and/or matching by matches comprised of match input and/or aggregation of ***match rule sets of providers*** used to ‘dock’ with one or more user needs, interests, requirements match sets.” (emphasis added)

In response, the Applicant respectfully suggest that the “matching of value chains” allegedly disclosed by the ***Shear*** reference clearly has nothing to do with the Applicant's “progressive comparison.” In particular, it should be noted that the term “value chain” is not specifically defined by the ***Shear*** reference. However, this term, as commonly used in the typical business environment is defined to mean a high-level model of how businesses receive raw materials as input, add value to the raw materials

through various processes, and sell finished products to customers. This is a very well known concept that is taught in conventional business schools.

Further, one of the named inventors identified in the **Shear** patent reference, Mr. Victor H. Shear, described the term “value chain” in his testimony before the United States Senate Judiciary Committee on April 3, 2001. A summary of this testimony is available online at <http://judiciary.senate.gov/oldsite/te040301vs.htm>. In this testimony, Mr. Shear explains the following:

“The architecture InterTrust has developed supports **value chain relationships based on traditional commercial principles** – we call this digital enabling of value chains ‘chain of handling and control’. **This means that each actor in the value chain is able to create the rules it wishes to apply to the material in question within the scope of authority granted to the participant by the previous or governing actors in the value chain.** A publisher could establish the commercial terms for a work within the authority granted by the author; the distributor could then set rules within the scope of authority granted by the publisher and so on through the value chain, all in accordance with law and accepted practice.” (emphasis added).

Clearly, in the context of the **Shear** reference, the value chains do not represent “progressive comparisons” of individual partially disclosed interests. In fact, it should be clear that in the context of the **Shear** reference, “value chains” are used in matching operations with respect to particular “rights” or “rules” defined by value chain participants.

For example, see claim 23 of the **Shear** reference which recites the following:

“The method of claim 1 wherein said sending to the user step the associated rights management information at least in part governs **at least one value chain right.**” (emphasis added)

Similarly, claim 65 of the **Shear** reference recites the following:

“The method of claim 48 wherein **said rules and controls include at least one value chain rule and control.**” (emphasis added)

Similarly, claim 107 of the **Shear** reference recites the following:

“The method of claim 91 wherein said **rules and controls govern at least one value chain right.**” (emphasis added)

Clearly, **Shear** not only discloses, but **claims**, that an “**aggregation of match rule sets of providers**” are used to better match one or more user needs, interests, or requirements **for value chain participants**. Further, it should be equally clear that specifying or otherwise defining sets of “rules” or “rights” for controlling matches for value chain participants, as disclosed and claimed by **Shear** has nothing whatsoever to do with the Applicant’s claimed progressive comparison of individual interests, as described above, and as fully claimed. Therefore, as further discussed below in Section 2, with respect to the rejections advanced under 35 U.S.C. §103(a), the **Shear** reference fails to provide support for the rejections for which it is offered. Further, in view of the preceding discussion, the Applicant believes that the **Shear** reference has been improperly characterized by the Office Action.

### 1.3 The Office Action's Characterization of *Hilsenrath* with Respect to Applicant's Arguments:

As with the *Shear* reference, the Applicants respectfully suggest that the Office Action has also improperly characterized the *Hilsenrath* reference. In particular, as noted above, the Office Action cites the *Hilsenrath* reference as teaching "that the process of matching entries is carried out until the desired number is obtained (column 11)." This argument is offered to counter the Applicants argument that *Hilsenrath* failed to disclose the Applicant's claimed partial disclosure.

The Applicant's fully agree that column 11 of the *Hilsenrath* teaches that *the process of matching entries* is carried out *until the desired number of matches* is obtained. However, this is *not* what is described and claimed by the Applicant. In fact, it appears clear *Hilsenrath* provides for a plurality of search criteria (e.g., "search strings") which are sequentially executed *until a desired number of matches of unique documents containing the words in the separate search strings have been returned* (see col. 11, lines 5-63).

In contrast, as described above, the Applicant's are describing and claiming a *progressive comparison* of individual interests which involves a progressive *partial disclosure* of specific interests. Again, this partial disclosure is *not* a disclosure of some set or subsets of interests, but a partial disclosure of individual interests. For example, as previously explained by the Applicant, *partially disclosing interests* is clearly explained throughout the text of the specification, with specific examples of such partial disclosure being provided in the working example in paragraphs 65 through 82. Further, paragraphs 79-81 provide a simple example of a turn-based partial disclosure of interests wherein rather than disclosing a complete interest, each *individual interest* is disclosed and compared one part at a time.

Consequently, in stark contrast to the position advanced by the Office Action, the Applicant respectfully suggests that sequentially executing multiple search criteria until

a predetermined number of documents have been identified has nothing whatsoever to do with the progressive comparison of interests described and claimed by the Applicant. Thus, **Hilsenrath** fails to provide support for the arguments for which it is offered. Therefore, as further discussed below in Section 2, with respect to the rejections advanced under 35 U.S.C. §103(a), the **Hilsenrath** reference fails to provide support for the rejections for which it is offered. In fact, in view of the preceding discussion, the Applicant believes that the **Hilsenrath** reference has been improperly characterized by the Office Action.

#### **1.4 Examiner's Characterization of *Shear* Relative with Respect to Applicant's Arguments Regarding Partial Disclosures of Information:**

As noted above, in response to the Applicant's discussion with respect to the failure of either **Shear** or **Hilsenrath** to teach, or in any way describe, the Applicant's claimed element relating to partial disclosure of information, the Office Action suggests that "Shear discloses utilizing controls and rules with regards to distribution of content or matching interest in a VDE environment, wherein delivery of only portions of content from one or more sources is provided (col. 27, lines 8-9, columns 23-30)."

However, in col. 27, lines 8-9, **Shear** merely explains that one of the numerous "Advantages" of the **Shear** invention is the capability to provide "delivery of portions of said **control information** from one or more sources." (emphasis added). Clearly, **Shear** is attempting to explain that the "**control information**" used in determining matches can be received from a plurality of sources.

Further, the VDE is specifically described by **Shear** in col. 23, lines 9-11 as a "virtual distribution environment" which simply provides "a family of technologies by which applications can be created, modified, and/or reused." The ability of the **Shear** reference to retrieve "portions" of its "control information" from various sources for modifying how the "virtual distribution environment" will determine matches has nothing whatsoever to do with the partial disclosure disclosed and claimed by the Applicant. In



fact, it appears that the only possible connection between the text cited by the Office Action and the Applicants claimed element is the use of the word "portion" as it may relate in some purely theoretical sense to the word "partial."

***Again, it should be clear that retrieving "portions" of "control information" from various sources is not a partial disclosure of individual specific interests.***

Further, the use of portions of control information from various sources for use in a VDE fails completely to disclose the Applicant's claimed turn-based "***partial disclosure***" and comparison of interests in each set of interests which is designed to avoid full disclosure of any non-shared interest between any two or more unique entities. There is simply no commonality, and no support in the ***Shear*** reference for the position advanced by the Office Action. Therefore, as further discussed below in Section 2, with respect to the rejections advanced under 35 U.S.C. §103(a), the ***Shear*** reference fails to provide support for the rejections for which it is offered. Further, in view of the preceding discussion, the Applicant believes that the ***Shear*** reference has been improperly characterized by the Office Action.

## **2.0 Rejections under 35 U.S.C. §103(a):**

In view of the discussion provided above with respect to the response of the Office Action to the Applicant's arguments filed March 8, 2004, the Applicant respectfully suggest that the references cited by the Office Action fail to support the Arguments advanced by the Office Action. Consequently, the Arguments presented by the Applicant on March 8 are again provided below for review, as those arguments have ***not*** been adequately addressed by the final Office Action of June 2, 2004.

Specifically, in the Office Action of November 6, 2003, and again in the final Office Action of June 2, 2004, claims 1-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shear et al. ("***Shear***," U.S. Patent 6,112,181) in view of Hilsenrath et al. ("***Hilsenrath***," U.S. Patent 5,926,812).

In order to deem the Applicant's claimed invention unpatentable under 35 U.S.C. §103(a), a prima facie showing of obviousness must be made. However, as fully explained by the MPEP Section 706.02(j), to establish a prima facie case of obviousness, three basic criteria must be met. First, ***there must be some suggestion or motivation***, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, ***to modify the reference or to combine reference teachings***. Second, there must be a ***reasonable expectation of success***. Finally, ***the prior art reference (or references when combined) must teach or suggest all the claim limitations***.

Further, in order to make a prima facie showing of obviousness under 35 U.S.C. 103(a), ***all*** of the claimed elements of an Applicant's invention must be considered, ***especially when they are missing from the prior art. If a claimed element is not taught in the prior art and has advantages not appreciated by the prior art, then no prima facie case of obviousness exists***. The Federal Circuit court has stated that it was error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein (*In Re Fine*, 837 F.2d 107, 5 USPQ2d 1596 (Fed. Cir. 1988)).

## **2.1 Rejection of Claims 1-9:**

Independent claim 1 was rejected under 35 U.S.C. §103(a) based on the rationale that ***Shear*** discloses the elements of claim 1 with the exception of "continuing the progressive comparison for specific interests with respect to each set of interests wherein the specific interest do partially match any interests." The Office Action then suggests that this claimed element is disclosed by ***Hilsenrath***. The Office Action then rejects each of dependent claims, e.g., claims 2-9 based on the proposed ***Shear / Hilsenrath*** combination.

In particular, with respect to independent claim 1, the Office Action first suggests that **Shear** “teaches a system for... progressively comparing each interest in each set of interests to interests in every other set of interests”

However, as described above with respect to the response or the Office Action to the Applicants prior arguments, the “**progressive comparison**” described and claimed by the Applicant involves a **partial disclosure** and comparison of interests in each set of interests which is designed to avoid full disclosure of any non-shared interest between sets of interests. **Shear** simply fails to disclose, or in any way suggest any such feature.

For example, the Office Action cites **Shear** column 14, lines 12-26; figures 16A-16C and associated text, and column 8, line 26 through column 30, line 50, as disclosing the Applicant’s claimed “progressive comparison.”

However, the text cited by the Office Action generally discloses methods for using rights management information in a matching, narrowcasting, classifying and/or selecting process. Further, the matching and classification utility system described by **Shear** makes use of pre-existing classification schemes, including at least some rights management information and/or other qualitative and/or parameter data indicating and/or defining classes, classification systems, class hierarchies, category schemes, class assignments, category assignments, and/or class membership. (See Abstract).

Further, as illustrated by Figures 5-16C, **Shear** discloses that the “matching and classification” is provided via the use of an “electronic matchmaker” or “matching classification system” which is used to determine whether one or more items from different groups or classes match. For example, as described in col. 9, line 45 through column 14, line 29, and col. 33, line 48 through col. 81, line 6, **Shear** generally explains that the “matching and classification utility system 900” includes a “matching engine 906” which “matches things with other things, things with people, and/or people with

other people.” However, this matching is generally accomplished using a “secure environment” or a “secure node” for determining whether matches exist.

In other words, *Shear* generally describes a system wherein one or more parties or entities **completely discloses** particular pieces of information to an “electronic matchmaker” which resides in a “protected processing environment,” “secure node,” “secure container,” etc., wherein the “electronic matchmaker” operates to compare those particular pieces of information to particular pieces of information provided by one or more other parties or entities. Then for each party, the electronic matchmaker proceeds to inform each of the parties which of the particular pieces of information match those of any other party. Further, because the “electronic matchmaker” operates in the “secure” computing environment, particular non-matching pieces of information provided by each entity are not disclosed to other entities outside of the secure computing environment.

Unfortunately, this method requires the use of one or more trusted computing environments (i.e., electronic chips, “secure containers,” “secure nodes,” etc.) for operation to which each entity **completely discloses** particular pieces of information. For example, as described in col. 12, lines 1-19, “the electronic matchmaker can employ a protected processing environment 154 [such as] ...a tamper-resistant ‘chip’ within the computer -- but it can be hardware-based, software-based, or a combination of hardware and software...” In other words, the “electronic matchmaker” operates as a type of secure “trusted agent” for determining whether particular items of information match between any particular entities. Information is then completely disclosed to the “electronic matchmaker” and matches are then reported back to each entity by the “electronic matchmaker.”

However, as described in paragraph 10 of the Applicant’s specification, one of the stated advantages of the Applicant’s claimed invention is that “**unlike conventional schemes** for disclosing or sharing common interests, such disclosure or non-disclosure of interests is accomplished in accordance with the present invention **without the use**

***of a third party, mediation, or trusted agent type application or process for comparing shared or common interests.*** Consequently, in accordance with the present invention, ***there is no database, application, process, etc. that is external to any entity to which the interests of that entity is disclosed or revealed for the purposes of determining whether any of the entities interests match those of any other entity.***" (emphasis added)

Further, as described throughout the Applicant's specification, the matching of shared interests without the use of "trusted agent" type applications (such as the "electronic matchmaker" described by ***Shear***) is accomplished through the use of direct progressive comparisons based on the partial disclosures of particular interests between each set of interests of entity directly. Further, as described above with respect to the working example illustrated in paragraphs 79-81 of the specification, this progressive comparison, in combination with the other elements of the Applicant's claimed invention operates to directly disclose only those interests of one set that match interests in another set by using the claimed progressive comparisons ***without the use of a third party trusted agent type application***, as with the "electronic matchmaker" described by ***Shear***.

Consequently, it should be clear that the progressive comparison of partially disclosed interests, which is one feature of claim 1, is not taught, disclosed, or in any way suggested by ***Shear***. Therefore, as this claimed feature is not taught, disclosed, or in any way suggested by ***Shear***, it should also be clear that further operations involving the claimed progressive comparison are also not taught, disclosed, or in any way suggested by ***Shear***. For example, for the reasons described above, ***Shear*** also fails to disclose "***analyzing the results of the progressive comparison...***", "***terminating the progressive comparison for specific interests... wherein the specific interests do not partially match any interests***", and "***continuing the progressive comparison for specific interests... wherein the specific interests do partially match any interests***." Further, such progressive comparisons are also not disclosed by the ***Hilsenrath*** reference, and in fact, the Office Action does not suggest that ***Hilsenrath***

discloses such a capability. (As described by the Office Action, **Hilsenrath** teaches a “cluster generation and cluster similarity measurement to achieve a more accurate search result or comparison match”).

Consequently, no prima facie case of obviousness has been established in accordance with MPEP Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claim is patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claim 1, which includes the following novel language:

“A system for determining shared interests between at least two sets of interests, comprising:

***progressively comparing*** each interest in each set of interests to interests in every other set of interests;

***analyzing the results of the progressive comparison for determining*** whether any interests belonging to any set of interests ***partially matches any interests in any other set of interests;***

***terminating the progressive comparison*** for specific interests with respect to each set of interests ***wherein the specific interests do not partially match any interests;***

***continuing the progressive comparison*** for specific interests with respect to each set of interests ***wherein the specific interests do partially match any interests;*** and

***determining all shared interests between any of the at least two sets of interests*** by continuing the progressive comparison of interests to identify all interests belonging any set of interests that completely match interests in any other set of interests.” (emphasis added)

Therefore, the Applicant respectfully traverses the rejection of independent claim 1, and thus the rejection of dependent claims 2-9, and requests reconsideration of the

rejection of claims 1-9 under 35 U.S.C. §103(a) over **Shear** in view of **Hilsenrath** in view of the non-obviousness of independent claim 1.

## **2.2 Rejection of Claims 10-16 and 17-23:**

Independent claims 10 and 17 were rejected under 35 U.S.C. §103(a) based on the rationale that **Shear** discloses the elements of claim 10 and 17 with the exception of “continuing to automatically perform the partial comparison of each encoded interest for specific interests for as long as there is a partial match of the specific interests.” The Office Action then suggests that this claimed element is disclosed by **Hilsenrath**. The Office Action then rejects each of dependent claims, e.g., claims 11-16 and 18-23, respectively, based on the proposed **Shear / Hilsenrath** combination.

In particular, with respect to independent claims 10 and 17, the Office Action suggests that **Shear** “teaches... partially disclosing each encoded interest in each set of interests to each unique entity.” The Office Action offers col. 27 of the **Shear** reference in support of this contention.

However, as discussed above with respect to the response or the Office Action to the Applicants prior arguments, the progressive comparison described and claimed by the Applicant involves a “**partial disclosure**” and comparison of interests in each set of interests which is designed to avoid full disclosure of any non-shared interest between any two or more unique entities. As discussed above, **Shear** simply fails to disclose, or in any way suggest any such feature. Further, it should be noted that col. 27 of the **Shear** reference, offered as support for the contention that **Shear** teaches “partially disclosing each encoded interest in each set of interests to each unique entity” simply provides a recitation of specific examples of how the invention described by **Shear** may be used. None of these specific examples offered in col. 27 of the **Shear** reference teaches, describes, or in any suggests, “**partially disclosing**” or “**partially revealing**” **interests directly between two or more entities**, as is claimed by the Applicant in independent claims 10 and 17.

Further, as specifically discussed above, the Office Action suggests that “Shear discloses utilizing controls and rules with regards to distribution of content or matching interest in a **VDE environment**, wherein delivery of only **portions of content** from one or more sources is provided (col. 27, lines 8-9, columns 23-30).” (emphasis added).

However, in col. 27, lines 8-9, **Shear** merely explains that one of the numerous “Advantages” of the **Shear** invention is the capability to provide “delivery of **portions of said control information** from one or more sources.” (emphasis added). Clearly, **Shear** is attempting to explain that the “**control information**” used by the VDE in determining matches can be received from a plurality of sources.

Specifically, as noted above, the VDE is described by **Shear** in col. 23, lines 9-11 as a “*virtual distribution environment*” which provides “a family of technologies by which applications can be created, modified, and/or reused.” The ability of the **Shear** reference to retrieve “**portions**” of its “**control information**” from various sources for modifying how the “virtual distribution environment” will determine matches has nothing whatsoever to do with the partial disclosure disclosed and claimed by the Applicant. Consequently, no prima facie case of obviousness has been established in accordance with MPEP Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claim is patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claims 10 and 17.

For example, independent claim 10 includes the following novel language:

“A computer-implemented process for automatically determining whether unique entities have any matched interests without disclosing non-matched interests, comprising:  
providing a set of interests for each entity;  
encoding each interest for each set of interests;



**partially disclosing each encoded interest in each set of interests to each unique entity;**

automatically performing a comparison of each partially disclosed encoded interest with the partially disclosed interests in each other set of interests;

determining whether there is a partial match of interests between the partially disclosed interests of any unique entities;

**continuing to automatically perform the partial comparison of each encoded interest for specific interests for as long as there is a partial match of the specific interests between any unique entities;**  
and

automatically identifying interest matches between any unique entities through the continued automatic partial comparison of each encoded interest." (emphasis added)

Similarly, claim 17 recites the following novel language:

"A computer-readable medium having computer executable instructions for identifying common interests between at least two entities without using a third party, said computer executable instructions comprising:

**partially revealing each interest of each entity to each other entity;**

determining whether any of the partially revealed interests match any other partially revealed interests by comparing the partially revealed interests;

**continuing to partially reveal more of each partially matched interest of each entity to each other entity having a corresponding partially matched interest;**

continuing to compare the partially matched interests; and

automatically determining whether the partially matched interests are common interests.” (emphasis added)

Therefore, the Applicant respectfully traverses the rejection of independent claims 10 and 17, and thus the rejection of dependent claims 11-16 and 18-23, respectively, and requests reconsideration of the rejection of claims 10-23 under 35 U.S.C. §103(a) over ***Shear*** in view of ***Hilsenrath*** in view of the non-obviousness of claims 10 and 17.

### **CONCLUSION**

In view of the above, it is respectfully submitted that claims 1-23 are in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of claims 1-23 and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (805) 278-8855 if the Examiner has any questions or concerns.

Respectfully submitted,



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